

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

:
Plaintiff, : Case No. 3:04-cr-12 (9)

-vs- : District Judge Thomas M. Rose
Defendant. : Chief Magistrate Judge Michael R. Merz

ABDEL FATTAH ABDEL SALAM,

:
Defendant.

REPORT AND RECOMMENDATIONS

This case came on for hearing at 9:30 A.M. on Tuesday, April 26, 2005, on the Plea Agreement of the parties. The parties unanimously consented to having the proceedings conducted by the undersigned United States Magistrate Judge.

Having conducted a full plea colloquy with the Defendant with the assistance of an Arabic translator, the Magistrate Judge concludes that the Defendant's plea of guilty, made pursuant to the plea agreement, is knowing, intelligent, and voluntary. The United States provided a statement of facts which was read and to which the Defendant had no objections. Based on that statement of facts, the Magistrate Judge concludes that there is an adequate factual basis for a finding of guilt.

Accordingly, it is respectfully recommended that the Plea Agreement be accepted and that the Defendant be found guilty of the offense to which he pled. Defendant has been referred to the United States Probation Service for a presentence investigation and he is continued on the previously

set conditions of release.

April 26, 2005.

s/ **Michael R. Merz**
Chief United States Magistrate Judge

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Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within ten days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to thirteen days (excluding intervening Saturdays, Sundays, and legal holidays) because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B), (C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within ten days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir., 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).